

REMARKS

The Official Action dated November 18, 2004 in this Application has been carefully considered and the above amendments and following remarks are presented in a sincere attempt to place this Application in condition for allowance. Claims 1-3, 10, 19 and 24 have been amended. Reconsideration and allowance are respectfully requested in light of the foregoing amendments and the following remarks.

Rejection of Claims 1-28 Under 35 U.S.C. 102(b)

The Examiner has rejected claims 1, 2, 4, 5, 6, 7, 10, 12-16, 19, 21, 22, 25 and 28 under 35 U.S.C. 103(a) as assertedly being obvious over U.S. Patent No. 5,326,298 (Hutin) in view of U.S. Patent No. 4,432,459 (Zebelean). The Examiner contends that Hutin shows every featured claimed with the exception of an opening and that Zebelean teaches including an opening in either the tope or sole portion for access to the interior. The Examiner contends that it would have been obvious to modify Zebelean by introducing an opening in either the sole or crown, the motivation being to accommodate the manufacturing process and to provide access to the interior of the head.

Applicant has amended independent Claims 1, 10 and 19, *inter alia*, to recite “a plurality of weights readily user-repositionably secured to said shell of said club head at readily user-accessible spaced-apart locations along the walls of the shell to adjust the center of gravity of the golf club head” and further “at least one of said weights being user-repositionably disposable near the rear of the club head, left of the center-line of the head, at least one of said weights being user-repositionably disposable near the rear of the club head, right of the center-line of the head, at least one of said weights being user-repositionably disposable near the front of said club head,

each of said weights being interchangeably repositionable by the user at each of said locations.”

As amended, independent Claims 1, 10 and 19 clearly distinguish over the prior art of record.

Hutin discloses a driver head having viscoelastic dampers 10 attached to the inside and outside of the walls of the club head. As can be seen Figs. 6c-d of Hutin, for example, each of these dampers 10 is custom-sized to fit the wall on which it is placed and covers most of the surface area of its respective wall. Although the dampers 10 would, of course, inherently have non-zero weight, the purpose of dampers 10 in Hutin is to reduce vibrations of the club head.

Therefore, Hutin does not disclose or suggest that dampers 10 are to be “readily user-repositionable” so as to permit user adjustment of the center of gravity of the club head.”

Furthermore, each of the dampers 10 of Hutin are of widely different sizes and are custom fitted to the surfaces on which they are placed. This stands in stark contrast to the present invention, which provides the “weights being interchangeably repositionable by the user at each of said locations.”

Zebelean does not remedy any of the foregoing deficiencies in Hutin. For example, Zebelean teaches that after weights are secured at desired different locations within the driver, the “the sole plate 13 is then welded to form the integral complete driver body. (Zebelean, col. 6, lines 10-13). Thus, use of weights as taught by Zebelean would not be “readily user-repositionable” so as to permit user adjustment of the center of gravity of the club head, as defined in Claim 1. Accordingly, even if Zebelean were to be hypothetically combined with Hutin, it would not yield or suggest the invention defined by independent Claims 1, 10 and 19.

The Examiner has rejected Claims 1, 2, 4, 5, 7, 10, 13, 14, 16, 19, 21 and 25-28 as assertedly being obvious over Wakita in view of Vincent and Desbiolles. The Examiner contends that Wakita shows every feature claimed with the exception of non-colinear weights. The Examiner contends

that Vincent and Desbiolles disclose use of multiple weights in the interior of the shell, arranged in such a manner that the center of gravity either may be shifted front-to-back and in the top-to-sole direction of the head.

Wakita, previously cited by the Examiner, discloses a balance weight 24 mounted to sole closure 19 by pressing; thereafter, the sole closure is joined by welding. (Wakita, col. 3, lines 57-61). Thus, use of a weight as taught by Wakita would not be “readily user-repositionable” so as to permit user adjustment of the center of gravity of the club head, as defined in Claims 1, 10 and 19. Accordingly, even if Zebelean were to be hypothetically combined with Hutin, it would not yield or suggest the invention defined by independent Claims 1, 10 and 19.

United States Patent No. 5,078,400 (Desbiolles) discloses a solid club head having weights 20 and 30 positionable at either or both of the hosel position (20) or a tip position (30). Accordingly, Desbiolles neither teaches nor suggests a club head having relatively “thin” walls, as in the present invention. Furthermore, although the Examiner has referenced Figs. 7A and 7B, and col. 4, line 4 through col. 5, line 14 of Desbiolles, which disclose items 40 and 50 at various positions on the club head, it is respectfully pointed out that, as described at col. 5, lines 29-30, items 40 and 50 are holes in the club head, rather than weights, as in the present invention defined in Claims 1, 10 and 19. Accordingly, even if Desbiolles were to be hypothetically combined with Wakita, it would not yield or suggest the invention defined by independent Claims 1, 10 and 19.

United States Patent No. 5,447,309 (Vincent) discloses a weighted club head having two weights near the front of the club head, with a single weight near the back of the club head. In contrast to this, independent Claims 1, 10 and 19 require at least one of said weights being user-repositionably disposable near the rear of the club head, left of the center-line of the head, at least one of said weights being user-repositionably disposable near the rear of the club head, right of the

center-line of the head, and at least one of said weights being user-repositionably disposable near the front of said club head.” (Emphasis added). Having two weights near the rear of the club head, one to the left and one to the right of the centerline of the club head, as in the present invention, provides important advantages over the prior art. In particular, the rearward placement of two of the weights increases the moment of inertia of the club head about the point of impact to a maximum degree. Furthermore, having one of these weights to the left, and one to the right, of the centerline of the club head permits flexibility in terms of adjustment of the center of gravity of the club head to the left or the right. Accordingly, even if Vincent were to be hypothetically combined with Wakita and/or Desbiolles, it would not yield or suggest the invention defined by independent Claims 1, 10 and 19.

The Examiner has rejected Claims 1, 2, 6, 8, 10, 15, 17 and 19 assertedly being obvious over Takeda in view of Sun ‘041. The Examiner contends that Takeda shows every feature claimed with the exception of non-colinear weights. The Examiner contends that Sun ‘041 discloses use of multiple weights in the interior of the shell, arranged in such a manner that the center of gravity either may be shifted in a vertical as well as longitudinal direction.

This grounds of rejection is believed overcome by independent Claims 1, 10 and 19, as amended. Takeda discloses an iron having a single weight 26 that is specially shaped to fit in only one place in the club head. Thus, the weight in Takeda is not one of a plurality of weights “interchangeably repositionable by the user at each of said locations,” as defined in Claims 1, 10 and 19. Furthermore, once the weight in Takeda is put in place, the cover 17 is “joined to the head body 16 by pressing.” (Takeda, col. 5, lines 9-10).

These deficiencies in Takeda are not supplied by Sun ‘041, which discloses a putter having relatively thick walls, rather than “thin walls,” as defined in Claims 1, 10 and 19. Accordingly, even if Sun ‘041 were to be hypothetically combined with Takeda, it would not yield or suggest the

invention defined by independent Claims 1, 10 and 19.

The Examiner has rejected Claims 1, 2,3, 4, 9, 11, 12, 13, 18, 22, 23 and 24 under 35 U.S.C. 103(a) assertedly being obvious over MacIntyre in view of Antonious '459. The Examiner contends that MacIntyre shows every feature claimed with the exception of non-colinear weights. The Examiner contends that Antonious discloses arranging weights in a vertical direction within the body of a putter-syle club head in order to help provide a desirable weight distribution.

This ground of rejection is believed overcome by independent Claims 1, 10 and 19, as amended. MacIntyre discloses a putter head having relatively thick, rather than "thin walls," as defined in Claims 1, 10 and 19.

These deficiencies in MacIntyre are not supplied by Antonious, which also discloses a putter having relatively thick walls, rather than "thin walls," as defined in Claims 1, 10 and 19. Accordingly, even if Antonious were to be hypothetically combined with MacIntyre, it would not yield or suggest the invention defined by independent Claims 1, 10 and 19.

In view of the foregoing, it is respectfully submitted that independent Claims 1, 10 and 19 would not have been obvious in view of the art of record. Accordingly, it is respectfully submitted that Claims 1, 10 and 19 are in condition for allowance and such is courteously requested.

Claims 2-9, 11-18, and 20-28 are dependent, respectively, on independent Claims 1, 10 or 19 and are submitted to be allowable for all of the reasons stated above with respect to the allowability of Claims 1, 10 and 19. In addition, for Claim 20, in particular, it is respectfully submitted that none of the prior art of record discloses or suggests use of weights that comprise "at least one strip of lead tape adhesively secured to the inside surface of the shell inside the cavity at a position other than the center of gravity of the golf club head," as required by Claim 20. Accordingly, it is respectfully submitted that Claim 20 is allowable over the prior art of record for this reason as well.

Wakita discloses a golf club head having a single weight inside the shell which, since the sole closure 19 is welded shut, is not “readily accessible.” (See, Wakita Fig. 4). Similarly, the single weight 26 in Takeda is “fixed” by such relatively permanent means as “pressing using a press, welding, screwing or clamping between the head body 16 and the cover 17.” (Takeda, col.5, lines 37-39). Furthermore, Takeda’s cover 17 is joined to the head body 16 by pressing, which causes “plastic deformation” of the protrusion 35 of the head body 16 (Takeda, col. 6, lines 1-2) the weight 26 inside is neither “readily accessible” nor “readily repositionable,” as required by Claims 1, 10 and 19 of the present application.

MacIntyre discloses a substantially solid putter having a plurality of recesses substantially in a line parallel to the club face and having flat weights that can be stacked in the recesses. It is respectfully pointed out that MacIntyre’s head is substantially solid (subject to having the recesses), rather than having a “relatively thin shell,” as defined in Claims 1, 10, and 19 of the present application. Furthermore, although MacIntyre discloses a plurality of readily accessible weights, these weights are not secured to said shell of said club head at readily accessible spaced-apart locations along the walls of the shell, at least one of said weights being securable in a location that is substantially non-co-linear with the others of said weights to permit adjustment of the center of gravity of the golf club head in at least two axes,” as defined in Claims 1, 10 and 19 of the present application. Instead, the only locations the weights can be placed are in recesses that are all aligned and co-linear with each other

Claims 2-9, 11-18, and 20-28 are dependent, respectively, on independent Claims 1, 10 or 19 and are submitted to be allowable for all of the reasons stated above with respect to the allowability of Claims 1, 10 and 19.

For the foregoing reasons, it is respectfully submitted that the invention defined by Claims 1-

28 would not have been obvious in view of the prior art of record. Accordingly withdrawal of the rejections of Claims 1-28 claims under 35 U.S.C. 103(a) and full allowance of Claims 1-28 are believed in order and is courteously solicited.

Prior Art Not Applied to Claims

The prior art made of record and not applied to the claims has also been considered. However, none of this art discloses or suggests a golf club head as defined by Claims 1-28. Accordingly, it is respectfully submitted that none of this art, alone or in any combination with any of the art of record, anticipates or renders obvious the invention defined by Claims 1-28.

For the foregoing reasons, it is respectfully submitted that Claims 1-28 are in condition for full allowance and such is courteously solicited.

Please charge the fee of \$225.00 for a two months extension of time for a small entity, and any other additional fees incurred by reason of this amendment, to our Deposit Account No. 50-0605 of CARR LLP.

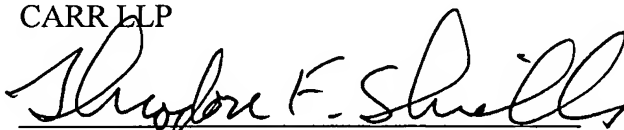
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Respectfully submitted,

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